

TELEPHONE: (614) 365-9900  
FACSIMILE: (614) 365-7900

ZEIGER, TIGGES & LITTLE LLP

ATTORNEYS AT LAW  
3500 HUNTINGTON CENTER  
41 SOUTH HIGH STREET  
COLUMBUS, OHIO 43215

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OFFICE OF GENERAL  
COUNSEL (614) 365-4113

October 21, 2010

**VIA FEDERAL EXPRESS**

Jeff S. Jordan, Esq.  
Supervisory Attorney  
Complaints Examination and Legal Administration  
Federal Elections Commission  
999 E Street, NW  
Washington, D.C. 20463

Re: **MUR 6383**

Dear Mr. Jordan:

Please accept this letter to serve as the Ohio News Organization's ("OHNO") response to the Federal Election Commission Complaint filed by Dan La Botz ("Complainant"). As the following analysis explains, the OHNO used appropriate pre-established criteria to select the participants for its debates and thus OHNO respectfully requests that the Commission dismiss the Complaint.

**A. Complainant's Misguided Allegations.**

Complainant, a Socialist Party candidate for Ohio's open United States Senate seat, alleges that OHNO has that he has been wrongfully excluded from participating in the three debates sponsored by OHNO between candidates seeking the United States Senate seat and that his exclusion results in OHNO being deemed to have made an in-kind contribution to the Fisher and Portman campaigns. Specifically, Complainant argues:

[OHNO's] and its corporate members' actions violate the FECA's ban on corporate contributions and 11 C.F.R. § 110.13(c) for four independent reasons: (1) [OHNO] and its corporate members had no "pre-established objective criteria" to determine which candidates may participate in the debate;" (2) [OHNO] and its corporate members used "nomination by a particular political party as the sole objective criterion" to determine to include" Fisher

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and Portman in debates; (3) the [OHNO] and its members structured whatever criteria they imposed "to result in the selection of certain pre-chosen participants." that is, the criteria were designed so "that only Democratic and Republican nominees could reasonably achieve it; and (4) [OHNO] and its corporate members kept their criteria secret and failed to disclose them to anyone outside [OHNO], its members, and the Portman and Fisher campaigns, thus denying to qualified candidates (including La Botz) the opportunity to meet the alleged criteria.

[Complainant at ¶ 41 (emphasis added).]

Complainant's misguided factual allegations state that OHNO impermissibly relied upon a poll taken "after [OHNO] and its members had already decided to exclude La Botz from its scheduled debates." [Complaint at ¶ 18 (emphasis in original).]

Complainant's allegations ring hollow, as the following proves, OHNO had and applied pre-established objective criteria, did not use political party affiliation as the sole objective criteria, did not structure its test to meet a pre-determined outcome and never kept its criteria secret.<sup>1</sup> Simply, Complainant's exclusion from the debates stems only from his not being a viable candidate with the electorate.

#### B. Statement of Facts.

The Ohio Newspaper Organization is made up of eight news organizations from all across the State of Ohio. The members of OHNO are The Columbus Dispatch, The Akron Beacon Journal, The Toledo Blade Company, The (Canton) Repository, The (Cleveland) Plain Dealer, The Dayton Daily News, The Cincinnati Enquirer, and The (Youngstown) Vindicator. [Morrison Aff. at ¶ 3.]

In March 2010, several OHNO representatives began discussing potentially holding a series of debates, including debates related to Ohio's open United States Senate seat as well as the race for governor. [Id. at ¶ 5.] Given the limited time available to hold the debates and the anticipated large field of candidates, OHNO decided that it would extend debate invitations to the two frontrunners in both races. [Id. at ¶ 6.] To select the front-runners, OHNO used pre-established criteria consistent with those applied by the

<sup>1</sup> The Complaint alleges some 43 paragraphs mostly relating to irrelevant alleged facts about the history of the Socialist Party in the United States dating to 1900 as well as Complainant's opinion about the alleged unconstitutional exclusion of minor-party candidates for sixty-plus years from Ohio's ballots. Given the volume of soap box commentary offered by Complainant in his complaint, OHNO generally denies each and every allegation set forth in Complainant's complaint unless expressly admitted in Section B herein.

Commission on Presidential Debates. [Id.] Specifically, OHNO first ensured the eligibility of the candidates and then pared down the field of candidates to the two frontrunners based upon indicators of electoral support including independent current (and historical) polling including Quinnipiac polling, conversation with political reporters and sources regarding the races in question, and financial disclosures which provide insights into a candidates viability. [Id.]

In the race for Ohio's open United States Senate seat, there are five certified candidates: Eric W. Deaton, Lee Fisher, Rob Portman, Daniel LaBotz, and Michael L. Pryce, along with a certified write in candidate, Arthur T. Sullivan. Polling numbers from July 2009 through present have consistently established Messrs. Portman and Fisher as the clear frontrunners. [Id. at ¶ 9-10] In relevant part, in 2009 the polling numbers showed:

	Feb 4	March 18	May 6	July 7	Sept. 16	Nov. 12
Fisher	42	41	42	37	42	36
Portman	27	33	31	33	31	39
Someone Else	1	1	1	2	1	---

[Quinnipiac Polling, Ex. B to Marrison Affidavit]

As of the last 2009 poll relied upon by OHNO, there was less than 1% interest in all candidates other than Fisher and Portman. The 2010 polling numbers relied upon by OHNO further reinforced the fact that Fisher and Portman were the two clear frontrunners:

	Feb 24	March 31	April 29	June 30
Fisher	37	41	40	42
Portman	40	37	37	40
Someone Else	--	1	1	1

[Id.]

Thus, as of June 30, 2010, and in each of the ten polls relied upon by OHNO, there were two clear frontrunners—Fisher and Portman—with all other candidates accounting on average for .09%. Essentially, there is not, and never was, any public interest in any candidate other than Fisher or Portman. [Id. at ¶ 10.] Had another candidate, other than Fisher and Portman been a frontrunner, OHNO would have invited that candidate, instead of Fisher or Portman. [Id. at 12.] Polling numbers, campaign financial disclosures, not strictly party affiliation determined who would be invited to debate.

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Understanding this reality and the time restrictions, three one-hour debates, on or about May 14, 2010, OHNO invited the frontrunners, Fisher and Portman to debate. [*Id.* at ¶ 11.]<sup>2</sup> This did not, however, end the analysis. Rather, OHNO during the months of June, July and August again analyzed the criteria to ensure that the frontrunners remained the same. [*Id.*] They were.

Ultimately, after working out the details, the Fisher and Portman campaigns agreed to the series of debates on or about September 1, 2010. The one-hour debates between Messrs. Fisher and Portman were to, and did, take place on October 4 in Toledo; October 8 in Cleveland; and October 12 in Columbus. [*Id.*]

**C. The Ohio Newspaper Organization Has Complied With All Applicable Regulations In Staging The Debates Between The Frontrunners For Ohio's United States Senate Seat.**

The Federal Election Commission Regulations governing the staging of candidate debates are straightforward and were complied with by OHNO.

**1. OHNO Is Permitted To Hold Debates.**

The threshold question is whether OHNO qualifies as an organization permitted to stage debates. In relevant part, the regulations permit broadcasters and bona fide newspapers to stage debates:

Broadcasters (including a cable television operator, programmer or producer), *bona fide newspapers*, magazines and other periodical publications may stage candidate debates in accordance with this section and 11 CFR 1114.4(f), provided they are not owned or controlled by a political party, political committee or candidate.

[11 CFR 110.13(a)(2) (emphasis added)]

Here, it is undisputed, "[OHNO] and its corporate members are 'broadcasters' within the meaning of 11 C.F.R. § 110.13(a)(2)." [Complaint at ¶ 42.] It is likewise undisputed that the OHNO members are not owned or controlled by political parties, committees or candidates. [Marrison Aff. at ¶ 4.] Thus, OHNO is permitted to stage political debates under the FEC's regulations.

<sup>2</sup> At the same time, OHNO also extended invitations to the front running candidates in the Ohio gubernatorial race, Messrs. Strickland and Kasich.

2. OHNO Used Proper Candidate Selection Criteria.

Since it is permissible for OHNO to stage debates, the next question is: was proper selection criteria used in selecting the candidates to participate in the debates? The answer is clear: Yes.

11 CFR §110.13(c) provides that "[f]or all debates, staging organization(s) must use pre-established objective criteria to determine which candidates may participate in a debate." Thus, to satisfy this regulation, the criteria must be pre-established and objective. OHNO has met both requirements.

First, the selection criteria was clearly pre-established. It is undisputed that in March 2010 during initial discussions about whether to hold gubernatorial and Senate debates and if so, whom to invite, OHNO settled on inviting the two "frontrunner" from each of the selected races. [Marrison Aff. at ¶ 6.] To do so OHNO pre-established that it would first ensure the eligibility of the candidates and then pare down the field of candidates to the two frontrunners based upon indicators of electoral support including independent current (and historical) Quinnipiac polling, conversation with political reporters and sources regarding the races in question, and financial disclosures which provide insights into a candidate's viability. [Id.]

This criteria was selected in March 2010. Thereafter, OHNO did its due diligence by reviewing the applicable polling numbers and other relevant information before formally inviting Fisher and Portman campaigns to participate in the debate May 14, 2010. [Id. at ¶ 11.]

Second, the criteria established for selecting the debate participants was "objective." While "objective" is undefined in the regulations, Courts have rightfully found that "the FEC has chosen to give...organizations that wish to sponsor debates the latitude to choose their own 'objective' criteria." Perot v. Federal Election Commission, 97 F. 3d 553, 560 (D.C. Cir. 1996). Agard Borhanan v. Federal Election Commission, 112 F.Supp.2d 58, 73 (D. D.C. 2000) (quoting Perot, 97 F.3d at 559) ("11 C.F.R. § 110.13(a) 'does not spell out precisely what the phrase "objective criteria" means. ...' The regulation therefore does not 'mandat[e] a single set of "objective criteria" all staging organizations must follow' but rather '[gives] the individual organizations leeway to decide what specific criteria to use.'"); Corporate and Labor Organization Activity, Express Advocacy and Coordination With Candidates, 60 FR 64,260, 64,262 (Dec. 14, 1995) (to be codified at 11 C.F.R. pt. 110) ("The choice of which objective criteria to use is largely left to the discretion of the staging organization. The suggestion that the criteria be 'reasonable' is not needed because reasonableness is implied.").

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instance in Perot, "indicators of public enthusiasm (as, for instance, reflected in public opinion polls)" was found to be an appropriate objective criterion. 97 F.3d at 557. The same was true in Buchanan, where "evidence of electoral support which required 'a level of support of at least 15%...' was an objectively reasonable criterion upon which to base selection of the debate participants. 112 F. Supp. 2d at 61. Here, at the time of determination, and for that matter throughout the entire history of the campaign, there have been only two candidates with any viable public support, Fisher and Portman the two candidates invited to participate in the series of OHNO debates.

And, finally, the FEC has appropriately permitted staging organization, like OHNO here, to set objective criteria "to control the number of candidates participating in a debate if the staging organization believes there are too many candidates to conduct a meaningful debate." Corporate and Labor Organization Activity; Express Advocacy and Coordination With Candidates, 60 FR 64,260, 64,262 (Dec. 14, 1995) (to be codified at 11 C.F.R. pt. 110). There are five certified candidates on the ballot and a sixth certified write-in candidate. As none of the other candidates have any viable level of support, if another candidate were included, there would be no objective reason for excluding any other candidate with no public support. And, as OHNO appropriately decided a six candidate debate would not be meaningful. [Marrison Aff. at ¶ 12.]

D. Conclusion.

As the Ohio Newspaper Organization has fully complied with all applicable regulations governing debates, we respectfully ask that the Federal Election Commission dismiss the Complaint.

Please contact the undersigned should you have any questions or require any additional information.

Very truly yours,

  
Martin M. Little, Jr.

cc: Mark R. Brown, Esq. (w/enclosures)

Enclosures

MHL:dt:157-109-204392

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## 2008 Candidate Selection Process

### Commission on Presidential Debates' Nonpartisan Candidate Selection Criteria for 2008 General Election Debate Participation

#### A. Introduction

The mission of the nonpartisan Commission on Presidential Debates (the "CPD") is to ensure, for the benefit of the American electorate, that general election debates are held every four years between the leading candidates for the offices of President and Vice President of the United States. The CPD sponsored a series of such debates in each of the past five general elections, and has begun the planning, preparation, and organization of a series of nonpartisan debates among leading candidates for the Presidency and Vice Presidency in the 2008 general election. As in prior years, the CPD's voter educational activities will be conducted in accordance with all applicable legal requirements, including regulations of the Federal Election Commission that require that debate sponsors extend invitations to debate based on the application of "pre-established, objective" criteria.

The goal of the CPD's debates is to afford the members of the public an opportunity to sharpen their views, in a focused debate format, of those candidates from among whom the next President and Vice President will be selected. In each of the last five elections, there were scores of declared candidates for the Presidency, excluding those seeking the nomination of one of the major parties. During the course of the campaign, the candidates are afforded many opportunities in a great variety of forums to advance their candidacies. In order most fully and fairly to achieve the educational purposes of its debates, the CPD has developed nonpartisan, objective criteria upon which it will base its decisions regarding selection of the candidates to participate in its 2008 debates. The purpose of the criteria is to identify those candidates who have achieved a level of electoral support such that they reasonably are considered to be among the principal rivals for the Presidency.

In connection with the 2008 general election, the CPD will apply three criteria to each declared candidate to determine whether that candidate qualifies for invitation to one or more of the CPD's debates. The criteria are (1) constitutional eligibility, (2) ballot access, and (3) electoral support. All three criteria must be satisfied before a candidate will be invited to debate.

#### B. 2008 Nonpartisan Selection Criteria

The CPD's nonpartisan criteria for selecting candidates to participate in the 2008 general election presidential debates are:

##### 1. Evidence of Constitutional Eligibility

The CPD's first criterion requires satisfaction of the eligibility requirements of Article II, Section 1 of the Constitution. The requirements are satisfied if the candidate:

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1. is at least 35 years of age;
  2. is a Natural Born Citizen of the United States and a resident of the United States for fourteen years; and
  3. is otherwise eligible under the Constitution.
- 2. Evidence of Ballot Access**

The CPD's second criterion requires that the candidate qualify to have his/her name appear on enough state ballots to have at least a mathematical chance of securing an Electoral College majority in the 2008 general election. Under the Constitution, the candidate who secures a majority of votes in the Electoral College, at least 270 votes, is elected President regardless of the popular vote.

**3. Indicators of Electoral Support**

The CPD's third criterion requires that the candidate have a level of support of at least 15% (fifteen percent) of the national electorate as determined by five selected national public opinion polling organizations, using the average of those organizations' most recent publicly-reported results at the time of the determination.

**C. Application of Criteria**

CPD's determination with respect to participation in CPD's first-scheduled debate will be made after Labor Day 2008, but sufficiently in advance of the first-scheduled debate to allow for orderly planning. Invitations to participate in the vice-presidential debate will be extended to the running mates of each of the presidential candidates qualifying for participation in CPD's first presidential debate. Invitations to participate in the second and third of CPD's scheduled presidential debates will be based upon satisfaction of the same multiple criteria prior to each debate.

**Adopted: October 2007**



**JULY 2009**  
**OBAMA'S APPROVAL DROPS IN OHIO – CRITICAL SWING**  
**STATE,**  
**QUINNIPIAC UNIVERSITY POLL FINDS;**  
**2010 SENATE RACE TIPS SLIGHTLY TO DEMOCRATS**

President Barack Obama gets a lackluster 49 – 44 percent approval rating in Ohio, considered by many to be the most important swing state in a presidential election, according to a Quinnipiac University poll released today. This is President Obama's lowest approval rating in any national or statewide Quinnipiac University poll since he was inaugurated and is down from 62 – 31 percent in a May 6 survey.

By a small 48 – 46 percent margin, voters disapprove of the way Obama is handling the economy, the independent Quinnipiac (KWIN-uh-pe-ack) University poll finds. This is down from a 57 – 36 percent approval May 6. A total of 66 percent of Ohio voters are "somewhat dissatisfied" or "very dissatisfied" with the way things are going in the state, while 33 percent are "satisfied" or "somewhat satisfied," numbers that haven't changed since Obama was elected.

In the race for Ohio's U.S. Senate seat being vacated by retiring George Voinovich in 2010, Lee Fisher and Jennifer Brunner remain neck-and-neck for the Democratic nomination and both would defeat any of the GOP candidates if the election were today.

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In the Senate race, Lt. Gov. Lee Fisher holds a 24 - 21 percent lead over Secretary of State Jennifer Brunner in the race for the Democratic nomination, with 51 percent undecided.

Former U.S. Rep. Rick Portman holds a 33 – 10 percent lead over his rival Tom Ganley on the Republican side, with 55 percent undecided.

In general election trial heats, Brunner would defeat Ganley 35 – 31 percent and get 35 percent to Portman's 34 percent. Fisher leads Ganley 36 – 30 percent and Portman 37 – 33 percent.

From June 26 – July 1, Quinnipiac University surveyed 1,259 Ohio voters, with a margin of error of +/- 2.8 percentage points. The survey includes 483 Democrats with a

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margin of error of +/- 4.5 percentage points and 445 Republicans with a margin of error of +/-4.7 percentage points.

The Quinipiac University Poll, directed by Douglas Schwartz, Ph.D., conducts public opinion surveys in Florida, Pennsylvania, New York, New Jersey, Connecticut, Ohio and the nation as a public service and for research.

For more data and RSS feed - <http://www.quinipiac.edu/polling.xml>, or (203) 582-5201.

(If registered Republican) As you may know, Ohio Senator George Voinovich will not be running for reelection in 2010. Thinking about the 2010 Republican primary for United States Senator, if the 2010 Republican primary for United States Senator were being held today and the candidates were Rob Portman and Tom Ganley, for whom would you vote?

	REGISTERED REPS..		
	Tot	Men	Wom
Portman	33*	39*	25*
Ganley	10	11	9
SOME ELSE (VOL)	1	1	1
WLDN'T VOTE (VOL)	2	3	-
DK/NA	55	46	65

TREND: (If registered Republican) As you may know, Ohio Senator George Voinovich will not be running for reelection in 2010. Thinking about the 2010 Republican primary for United States Senator, if the 2010 Republican primary for United States Senator were being held today and the candidates were Rob Portman and Tom Ganley, for whom would you vote? (\*Someone Else & Wouldn't Vote volunteered options not in option list)

	REGISTERED REPUBLICANS.....			
	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009*
Portman	33	29	31	33
Ganley	10	8	na	na
Taylor	na	8	14	11
SOME ELSE (VOL)	1	1	1	-
WLDN'T VOTE (VOL)	2	1	1	-
DK/NA	55	54	52	56

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3. (If registered Democrat) Thinking about the 2010 Democratic primary for United States Senator, if the 2010 Democratic primary for United States Senator were being held today and the candidates were Lee Fisher and Jennifer Brunner, for whom would you vote?

	REGISTERED DEMS..		
	Tot	Men	Wom
Fisher	24%	31%	20%
Brunner	21	26	18
SOMEONE ELSE (VOL)	2	-	2
WLDN'T VOTE (VOL)	3	1	4
DK/NA	51	42	56

TREND: (If registered Democrat) Thinking about the 2010 Democratic primary for United States Senator, if the 2010 Democratic primary for United States Senator were being held today and the candidates were Lee Fisher and Jennifer Brunner, for whom would you vote? (\*Someone Else & Wouldn't Vote volunteered options not in option list / nm-not asked)

	REGISTERED DEMOCRATS.....			
	Jul 7	May 6	Mar 18	Feb 4
	2009	2009	2009	2009*
Fisher	24	20	18	18
Brunner	21	16	14	16
Yates	na	4	6	na
Ryan	na	na	12	14
SOMEONE ELSE (VOL)	2	1	1	-
WLDN'T VOTE (VOL)	3	1	2	-
DK/NA	51	59	46	53

6. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglsl
Fisher	37%	5%	76%	28%	33%	40%	28%
Portman	33	72	4	31	41	27	44
SOMEONE ELSE (VOL)	2	-	-	3	2	1	1
WLDN'T VOTE (VOL)	2	-	1	3	2	1	1
DK/NA	26	22	19	35	21	31	27

	Cntrl	WrthE	WrthW	SthE	SthW	WstCnt
Fisher	35%	43%	30%	40%	24%	39%
Portman	32	28	25	26	53	40
SOMEONE ELSE (VOL)	3	1	5	-	1	1
WLDN'T VOTE (VOL)	1	1	4	-	2	3
DK/NA	29	28	36	36	19	17

TREND: If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?

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	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009
Fisher	37	42	41	42
Portman	33	31	33	27
SOME ELSE (VOL)	2	1	1	1
WLDN'T VOTE (VOL)	2	-	2	1
DK/NA	26	26	24	29

7. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Tom Ganley the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Fisher	36%	5%	73%	26%	32%	39%	26%
Ganley	30	65	4	29	32	24	43
SOME ELSE (VOL)	1	-	-	2	2	1	-
WLDN'T VOTE (VOL)	2	1	1	1	2	1	2
DK/NA	31	28	22	42	26	36	29
	Cntrl	NrthE	NrthW	StthE	StthW	WstCnt	
Fisher	36%	41%	31%	36%	21%	37%	
Ganley	26	31	23	33	34	35	
SOME ELSE (VOL)	2	-	2	-	1	1	
WLDN'T VOTE (VOL)	1	1	4	1	2	3	
DK/NA	35	26	40	29	41	24	

8. If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Tom Ganley the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Brunner	35%	6%	71%	23%	31%	38%	27%
Ganley	31	67	4	30	38	25	41
SOME ELSE (VOL)	1	-	-	2	2	1	-
WLDN'T VOTE (VOL)	2	2	1	2	3	1	1
DK/NA	31	25	23	44	26	35	31
	Cntrl	NrthE	NrthW	StthE	StthW	WstCnt	
Brunner	35%	37%	40%	31%	24%	37%	
Ganley	32	30	23	35	34	35	
SOME ELSE (VOL)	1	-	5	-	1	1	
WLDN'T VOTE (VOL)	-	3	2	-	3	3	
DK/NA	32	30	31	34	38	24	

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9. If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Brunner	35%	5%	71%	26%	31%	39%	25%
Portman	34	72	5	32	42	27	46
SOME ELSE (VOL)	1	-	-	2	2	-	-
WLDN'T VOTE (VOL)	1	-	-	1	2	1	-
DK/NA	29	23	23	39	24	33	28

	Cntrl	NrthE	NrthW	SthE	SthW	WstCnt
Brunner	31%	39%	41%	32%	24%	38%
Portman	36	28	22	29	54	39
SOME ELSE (VOL)	2	-	4	-	1	1
WLDN'T VOTE (VOL)	-	1	2	-	1	3
DK/NA	31	32	31	38	21	20

TREND: If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Rob Portman the Republican, for whom would you vote?

	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009
Brunner	35	40	39	38
Portman	34	32	34	28
SOME ELSE (VOL)	1	-	1	1
WLDN'T VOTE (VOL)	1	-	2	1
DK/NA	29	27	25	31

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FOR RELEASE: SEPTEMBER 16, 2009

**OBAMA BACK OVER 50% IN OHIO,  
QUINNIPIAC UNIVERSITY POLL FINDS;  
ALL DEMS DOING BETTER, BUT VOTERS SPLIT ON HEALTH  
CARE**

President Barack Obama's job approval among Ohio voters is 53 – 42 percent, up slightly from 49 – 44 percent July 7, but voters split 44 – 44 percent in their support of his health care plan, according to a Quinnipiac University poll released today.

The independent Quinnipiac (KWIN-uh-pe-ack) University survey also finds a general uptick for Democrats in the Buckeye State over the summer, evidencing itself in higher approval ratings and slightly stronger showings for the party's candidates for the U.S. Senate.

In the face-off for the Democratic nomination for the U.S. Senate, Lt. Gov. Lee Fisher has opened a 26 – 17 percent lead over Secretary of State Jennifer Brunner, with 55 percent undecided, while in the GOP intraparty fight former U.S. Rep. Rob Portman leads Cleveland area car dealer Tom Ganley 27 – 9 percent, with 61 percent undecided.

In general election matchups:

- Fisher tops Portman 42 – 31 percent and Ganley 41 – 29 percent;
- Brunner tops Portman 39 – 34 percent and Ganley 39 – 31 percent.

"Perhaps it's because the poll was taken immediately after the President's nationally-televised prime-time speech to Congress, but Democratic fortunes in Ohio have improved slightly across-the-board," said Peter Brown, assistant director of the Quinnipiac University Polling Institute. "Not only have the President's numbers improved, but so have those of Gov. Ted Strickland and the party's two U.S. Senate candidates."

From September 10 – 13, Quinnipiac University surveyed 1,074 Ohio voters, with a margin of error of +/- 3 percentage points. The survey includes 375 Republicans with a margin of error of +/- 5 percentage points and 421 Democrats with a margin of error of +/- 4.8 percentage points.

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The Quinnipiac University Poll, directed by Douglas Schwartz, Ph.D., conducts public opinion surveys in Florida, Pennsylvania, New York, New Jersey, Connecticut, Ohio and the nation as a public service and for research.

1. (If registered Republican) If the 2010 Republican primary for United States Senator were being held today and the candidates were Rob Portman and Tom Ganley, for whom would you vote?

REGISTERED REPS..			
	Tot	Men	Wom
Portman	27%	32%	22%
Ganley	9	10	9
SOMEONE ELSE (VOL)	1	1	1
WLDN'T VOTE (VOL)	2	3	2
DK/NA	61	55	56

TREND: (If registered Republican) If the 2010 Republican primary for United States Senator were being held today and the candidates were Rob Portman and Tom Ganley, for whom would you vote? (\*Someone Else & Wouldn't Vote volunteered options not in option list)

REGISTERED REPUBLICANS.....					
	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009*
Portman	27	33	29	31	33
Ganley	9	10	8	na	na
Taylor	na	na	8	14	11
SOMEONE ELSE (VOL)	1	1	1	1	-
WLDN'T VOTE (VOL)	2	2	1	1	-
DK/NA	61	55	54	52	56

2. (If registered Democrat) If the 2010 Democratic primary for United States Senator were being held today and the candidates were Lee Fisher and Jennifer Brunner, for whom would you vote?

REGISTERED DEMS..			
	Tot	Men	Wom
Fisher	26%	32%	21%
Brunner	17	13	20
SOMEONE ELSE (VOL)	1	2	-
WLDN'T VOTE (VOL)	2	4	-
DK/NA	55	50	58

TREND: (If registered Democrat) If the 2010 Democratic primary for United States Senator were being held today and the candidates were Lee Fisher and Jennifer Brunner, for whom would you vote? (\*Someone Else & Wouldn't Vote volunteered options not in option list / na = not asked)

REGISTERED DEMOCRATS.....					
	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009*

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Fisher	26	24	20	18	18
Brunner	17	21	16	14	16
Yates	na	na	4	6	na
Ryan	na	na	na	12	14
SOME ELSE (VOL)	1	2	1	1	-
WLDN'T VOTE (VOL)	2	3	1	2	-
DK/NA	55	51	59	46	53

4. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Fisher	42%	13%	74%	32%	40%	44%	32%
Portman	31	68	4	30	37	26	45
SOME ELSE (VOL)	1	-	1	1	1	-	-
WLDN'T VOTE (VOL)	1	-	1	1	1	1	1
DK/NA	26	19	20	36	21	28	21

	Cntrl	NrthE	NrthW	SthE	SthW	WstCnc
Fisher	38%	50%	38%	45%	38%	32%
Portman	30	26	26	15	47	41
SOME ELSE (VOL)	-	-	1	-	1	2
WLDN'T VOTE (VOL)	-	-	2	5	-	-
DK/NA	32	14	31	36	13	28

TREND: If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?

	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009
Fisher	42	37	42	41	42
Portman	31	33	31	33	27
SOME ELSE (VOL)	1	2	1	2	1
WLDN'T VOTE (VOL)	1	2	-	2	1
DK/NA	26	26	26	24	29

5. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Tom Ganley the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Fisher	41%	10%	77%	30%	41%	42%	29%
Ganley	29	64	2	30	33	26	44
SOME ELSE (VOL)	1	1	1	2	2	1	1
WLDN'T VOTE (VOL)	1	-	1	3	1	1	1
DK/NA	27	24	20	35	23	30	25

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	Cntrl	NrthE	NrthW	SthE	SthW	WstCnt
Fisher	38%	47%	40%	53%	38%	30%
Ganley	32	27	24	15	31	40
SOME ELSE (VOL)	1	-	1	-	4	2
WLDN'T VOTE (VOL)	-	2	2	5	-	1
DK/NA	29	24	33	28	27	28

TREND: If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Tom Ganley the Republican, for whom would you vote?

	Sep 16 2009	Jul 7 2009
Fisher	41	36
Ganley	29	30
SOME ELSE (VOL)	1	1
WLDN'T VOTE (VOL)	1	2
DK/NA	27	31

6. If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Tom Ganley the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnBgn Evnglcl
Brunner	39%	6%	70%	35%	37%	41%	26%
Ganley	31	71	3	25	36	27	46
SOME ELSE (VOL)	2	1	1	3	3	1	2
WLDN'T VOTE (VOL)	1	-	1	3	2	1	2
DK/NA	27	22	23	34	22	31	25

	Cntrl	NrthE	NrthW	SthE	SthW	WstCnt
Brunner	41%	43%	38%	43%	36%	31%
Ganley	27	30	31	18	28	39
SOME ELSE (VOL)	1	1	2	-	2	5
WLDN'T VOTE (VOL)	1	1	2	7	-	1
DK/NA	30	25	28	33	24	24

TREND: If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Tom Ganley the Republican, for whom would you vote?

	Sep 16 2009	Jul 7 2009
Brunner	39	35
Ganley	31	31
SOME ELSE (VOL)	2	1

WLDN'T VOTE (VOL) 1 2  
DK/NA 27 31

7. If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Brunner	39%	8%	69%	36%	37%	42%	26%
Portman	34	74	5	30	40	28	50
SOME ELSE (VOL)	1	-	1	2	2	1	2
WLDN'T VOTE (VOL)	1	-	1	1	1	-	1
DK/NA	25	18	24	32	20	29	22

  

	Cntrl	NrthE	NrthW	SthE	SthW	WstCnt
Brunner	39%	45%	40%	39%	33%	32%
Portman	33	98	29	23	59	42
SOME ELSE (VOL)	1	1	1	-	-	2
WLDN'T VOTE (VOL)	-	1	-	5	-	-
DK/NA	27	26	30	33	17	24

TREND: If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Rob Portman the Republican, for whom would you vote?

	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009
Brunner	39	35	40	39	38
Portman	34	34	32	34	28
SOME ELSE (VOL)	1	1	-	1	1
WLDN'T VOTE (VOL)	1	1	-	2	1
DK/NA	25	29	27	25	31

10. Is your opinion of - Lee Fisher favorable, unfavorable or haven't you heard enough about him?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Favorable	33%	15%	56%	22%	35%	31%	22%
Unfavorable	13	23	4	14	18	9	19
Hvn't hrd enough	54	61	40	62	46	60	58
REFUSED	1	-	1	1	1	1	2

  

	Cntrl	NrthE	NrthW	SthE	SthW	WstCnt
Favorable	32%	39%	27%	30%	28%	24%
Unfavorable	14	14	11	6	12	12
Hvn't hrd enough	54	46	61	64	58	62
REFUSED	1	1	1	-	1	1

TREND: Is your opinion of - Lee Fisher favorable, unfavorable or haven't you heard enough about him?

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FOR RELEASE: NOVEMBER 12, 2009

**DEMS FADE IN OHIO SENATE RACE,  
QUINNIPIAC UNIVERSITY POLL FINDS;  
OBAMA GETS NEGATIVE SCORE IN KEY SWING STATE**

For the first time, Republican Rob Portman is inching ahead of the two Democrats in the 2010 race for Ohio's U.S. Senate seat, according to a Quinnipiac University poll released today.

Portman, a former Congressman running for the U.S. Senate in 2010, has small leads over two Democrats, topping Secretary of State Jennifer Brunner 38 - 34 percent and Lt. Gov. Lee Fisher 39 - 36 percent. In the battle for the Democratic Senate nomination, Fisher gets 24 percent to Brunner's 22 percent, with 51 percent undecided. Portman leads car dealer Tom Ganley 26 - 7 percent in a GOP primary with 64 percent undecided.

"None of the Senate candidates are very well known, but what is significant is that until now Democrats were winning all the Senate matchups. Clearly there is an at least temporary swing toward the GOP in Ohio. Whether it continues is anyone's guess," said Brown.

1. (If registered Republican) If the 2010 Republican primary for United States Senator were being held today and the candidates were Rob Portman and Tom Ganley, for whom would you vote?

	REGISTERED REPS..		
	Tot	Men	Wom
Portman	26%	29%	24%
Ganley	7	6	8
SOMEONE ELSE (VOL)	2	3	1
WLDN'T VOTE (VOL)	1	-	2
DK/NA	64	62	65

TREND: (If registered Republican) If the 2010 Republican primary for United States Senator were being held today and the candidates were Rob Portman and Tom Ganley, for whom would you vote? (\*Someone Else & Wouldn't Vote volunteered options not in option list / na = not asked)

	REGISTERED REPUBLICANS.....					
	Nov 12 2009	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009*
Portman	26	27	33	29	31	33
Ganley	7	9	10	8	na	na

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Taylor	na	na	na	8	14	11
SMONE ELSE (VOL)	2	1	1	1	1	-
WLDN'T VOTE (VOL)	1	2	2	1	1	-
DK/NA	64	61	55	54	52	56

2. (If registered Democrat) If the 2010 Democratic primary for United States Senator were being held today and the candidates were Lee Fisher and Jennifer Brunner, for whom would you vote?

	REGISTERED DEMS..		
	Tot	Men	Wom
Fisher	24%	29%	20%
Brunner	22	23	22
SMONE ELSE (VOL)	1	2	1
WLDN'T VOTE (VOL)	2	3	-
DK/NA	51	43	57

TREND: (If registered Democrat) If the 2010 Democratic primary for United States Senator were being held today and the candidates were Lee Fisher and Jennifer Brunner, for whom would you vote? (\*Someone Else & Wouldn't Vote volunteered options not in option list / na = not asked)

	REGISTERED DEMOCRATS.....					
	Nov 12	Sep 16	Jul 7	May 6	Mar 18	Feb 4
	2009	2009	2009	2009	2009	2009*
Fisher	24	26	24	20	18	18
Brunner	22	17	21	16	14	16
Yates	na	na	na	4	6	na
Ryan	na	na	na	na	12	14
SMONE ELSE (VOL)	1	1	2	1	1	-
WLDN'T VOTE (VOL)	2	2	3	1	2	-
DK/NA	51	55	51	59	46	53

4. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WthHrnAgn Evnglcl
Fisher	36%	3%	70%	27%	33%	38%	29%
Portman	39	76	10	38	44	34	48
SMONE ELSE (VOL)	-	-	-	1	-	-	-
WLDN'T VOTE (VOL)	1	1	-	2	1	1	1
DK/NA	24	20	18	33	22	26	21

  

	Cntrl	NrthE	NrthW	StthE	StthW	WstCntrl
Fisher	31%	41%	48%	44%	19%	33%
Portman	46	29	18	38	62	45
SMONE ELSE (VOL)	1	-	-	-	1	-
WLDN'T VOTE (VOL)	2	2	-	-	-	-
DK/NA	19	28	34	17	18	22

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**TREND: If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?**

	Nov 12 2009	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009
Fisher	36	42	37	42	41	42
Portman	39	31	33	31	33	27
SMONE ELSE(VOL)	-	1	2	1	1	1
WLDN'T VOTE(VOL)	1	1	2	-	2	1
DK/NA	24	26	26	86	24	29

**5. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Tom Ganley the Republican, for whom would you vote?**

	Tot	Rep	Dem	Ind	Man	Wom	WtBrnAgn Evnglcl
Fisher	38%	6%	72%	28%	38%	38%	30%
Ganley	34	70	7	32	37	31	43
SMONE ELSE(VOL)	-	-	-	1	1	-	-
WLDN'T VOTE(VOL)	1	1	-	3	1	2	1
DK/NA	27	22	21	36	24	30	26
	Cntrl	NrthE	NrthW	SthE	SthW	WstCnt	
Fisher	33%	40%	47%	53%	28%	38%	
Ganley	43	30	25	29	33	39	
SMONE ELSE(VOL)	1	-	-	-	-	-	
WLDN'T VOTE(VOL)	3	2	-	-	1	-	
DK/NA	21	27	28	18	38	23	

**TREND: If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Tom Ganley the Republican, for whom would you vote?**

	Nov 12 2009	Sep 16 2009	Jul 7 2009
Fisher	38	41	36
Ganley	34	29	30
SMONE ELSE(VOL)	-	1	1
WLDN'T VOTE(VOL)	1	1	2
DK/NA	27	27	31

**6. If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Tom Ganley the Republican, for**

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whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Brunner	35%	3%	69%	31%	31%	39%	31%
Ganley	32	68	4	29	39	26	40
SOME ELSE (VOL)	1	-	-	1	1	-	1
WLDN'T VOTE (VOL)	2	1	2	1	2	1	-
DK/NA	30	28	25	38	27	33	28

	Cntrl	NrthE	NrthW	StthE	StthW	WstCnt
Brunner	31%	35%	45%	53%	29%	36%
Ganley	41	29	18	23	33	42
SOME ELSE (VOL)	-	1	-	-	2	-
WLDN'T VOTE (VOL)	3	1	-	3	4	-
DK/NA	26	34	37	22	33	22

TREND: If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Tom Ganley the Republican, for whom would you vote?

	Nov 12 2009	Sep 16 2009	Jul 7 2009
Brunner	35	39	35
Ganley	32	33	31
SOME ELSE (VOL)	1	2	1
WLDN'T VOTE (VOL)	2	1	2
DK/NA	30	27	31

7. If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Brunner	34%	4%	65%	30%	31%	37%	28%
Portman	38	74	10	36	43	34	48
SOME ELSE (VOL)	-	-	-	1	-	-	-
WLDN'T VOTE (VOL)	1	1	1	1	1	1	-
DK/NA	27	21	24	33	26	28	24
	Cntrl	NrthE	NrthW	StthE	StthW	WstCnt	
Brunner	33%	34%	46%	45%	23%	36%	
Portman	44	31	77	33	57	47	
SOME ELSE (VOL)	-	1	-	-	-	-	
WLDN'T VOTE (VOL)	2	1	-	2	-	-	
DK/NA	22	34	26	21	19	17	

TREND: If the 2010 election for United States Senator were being held today and the candidates were Jennifer Brunner the Democrat and Rob Portman the Republican, for whom would you vote?

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	Nov 12 2009	Sep 16 2009	Jul 7 2009	May 6 2009	Mar 18 2009	Feb 4 2009
Brunner	34	39	35	40	39	38
Portman	38	34	34	32	34	28
SOME ELSE (VOL)	-	1	1	-	1	1
WLDN'T VOTE (VOL)	1	1	1	-	2	1
DK/NA	27	25	29	27	25	31

FOR RELEASE: JUNE 30, 2010

**FISHER, PORTMAN LOCKED IN HORSE RACE IN OHIO  
SENATE BID,  
QUINNIPIAC UNIVERSITY POLL FINDS;  
OBAMA CAN'T GET ABOVE WATER IN KEY SWING STATE**

Democratic Lt. Gov. Lee Fisher and Republican Rob Portman remain in a tight race for Ohio's U.S. Senate seat with 42 percent for Fisher and 40 percent for Portman, with 17 percent undecided, statistically unchanged from April and March surveys, according to a Quinnipiac University poll released today.

2. If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote?

	Tot	Rep	Dem	Ind	Men	Wom	WtBrnAgn Evnglcl
Fisher	42%	6%	84%	37%	37%	46%	27%
Portman	40	61	5	39	49	32	54
SOME ELSE (VOL)	1	-	-	2	2	-	1
WLDN'T VOTE (VOL)	1	-	1	1	-	1	-
DK/NA	17	13	9	21	11	21	17

TREND: If the 2010 election for United States Senator were being held today and the candidates were Lee Fisher the Democrat and Rob Portman the Republican, for whom would you vote? (Data available upon request back to Feb 2009)

	Jun 30	Apr 29	Mar 31	Feb 24	Nov 12	Sep 16	
Jul 7	2010	2010	2010	2010	2009	2009	
2009							
Fisher	42	40	41	37	36	42	37
Portman	40	37	37	40	39	31	33
SMORE ELSE (VOL)	1	1	1	-	-	1	2
WLDN'T VOTE (VOL)	1	1	1	2	1	1	2
DK/NA	17	21	21	21	24	20	26

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